Section I:

AMENDMENT UNDER 37 CFR §1.121 to the

CLAIMS

1. (currently amended) A method for indicating that a product or item on a retail fixture ~~display~~ matches a set of consumer preferences comprising the steps of:

equipping a retail fixture with a consumer identification unit and with a display unit indicator, said consumer identification unit having an identification proximity, said display unit indicator being associated with a product on said retail fixture;

responsive to a consumer moving from outside said proximity to inside said ~~into the~~ proximity ~~of a retail display fixture~~, electronically establishing an identity of said consumer ~~by a consumer identification unit mounted on or near said retail display fixture~~;

automatically accessing a persistent datastore to retrieve a set of preferences associated with said consumer identity;

automatically determining if one or more products on said retail ~~display~~ fixture match said preferences; and

activating [[a]] said display unit indicator ~~mounted on or near said retail display fixture~~ ~~for~~ to indicate said products which match said preferences such that the attention of said proximate consumer is directed to the physical location of the matching products.

2. (original) The method as set forth in Claim 1 wherein said step of establishing the identity of a consumer is selected from the group of reading a radio frequency identifier tag, reading a bar code, reading a magnetic stripe, and receiving input of a personal identifier code.

3. (original) The method as set forth in Claim 1 wherein said step of accessing a persistent datastore comprises accessing a database.

4. (original) The method as set forth in Claim 1 wherein said step of determining if any products match said preferences includes a step from the group of matching a consumer size, matching a preferred color, and matching a preferred price.

5. (currently amended) The method as set forth in Claim 1 wherein said step of ~~providing~~ activating an indicator associated with a product ~~products~~ which matches ~~match~~ said preferences includes a step from the group of illuminating a lamp, illuminating a light emitting diode, and providing a text display.

6. (original) The method as set forth in Claim 1 further comprising the steps of:

retrieving an information data set associated with said products which match said preferences; and

transmitting said information data set to a preferred electronic destination associated with said consumer such that said consumer may collect said information data set for review and reference.

7. (original) The method as set forth in Claim 6 wherein said step of transmitting said information data set comprises transmitting an electronic mail message to an electronic mail address.

8. (original) The method as set forth in Claim 6 wherein said step of transmitting said information data set comprises transmitting an electronic file to a electronic mail address.

9. (original)

The method as set forth in Claim 6 wherein said step of transmitting said information data set comprises transmitting an electronic mail message to a persistent computing device selected from the group of an Internet-enabled wireless telephone, a wireless networked personal digital assistant, and a wireless Internet browser appliance.

10. (original):

The method as set forth in Claim 1 further comprising the steps of:

accessing an inventory datastore; and

determining if a product which matches said preferences is also in stock.

11. (currently amended) ~~A computer readable medium encoded with software~~ An article for indicating that a product or item on a retail fixture ~~display~~ matches a set of consumer preferences, said software causing a computer to perform the steps of:

      a computer readable medium suitable for encoding computer software programs; and

      one or more computer software programs encoded by said medium and configured to cause a processor to:

    (a)   responsive to a consumer moving from outside a proximity to inside a ~~into the~~ proximity of a retail ~~display~~ fixture, said retail fixture being equipped with a consumer identification unit and a display unit indicator, said consumer identification unit having an identification proximity, said display unit indicator being associated with a product on said retail fixture, electronically establish an identity of said consumer ~~by a consumer identification unit mounted on or near said retail display fixture~~;

    (b)   automatically access a persistent datastore to retrieve a set of preferences associated with said consumer identity;

    (c)   automatically determine if one or more products on said retail display fixture match said preferences; and

    (d)   activate said ~~activating a~~ display unit indicator ~~mounted on or near said retail display fixture for said products which match~~ associated with a product which matches said preferences such that the attention of said proximate consumer is directed towards the physical location of the matching products.

12. (currently amended) The computer readable medium as set forth in Claim 11 wherein said software for establishing an identity of a consumer [[is]] comprises software for performing a step selected from the group of reading a radio frequency identifier tag, reading a bar code, reading a magnetic stripe, and receiving input of a personal identifier code.

13. (original) The computer readable medium as set forth in Claim 11 wherein said software for accessing a persistent datastore comprises software for accessing a database.

14. (original) The computer readable medium as set forth in Claim 11 wherein said software for determining if any products match said preferences comprises software for performing a step from the group of matching a consumer size, matching a preferred color, and matching a preferred price.

15. (currently amended) The computer readable medium as set forth in Claim 11 wherein said software for ~~providing~~ activating an indicator associated with products which match said preferences ~~includes a~~ comprises software for performing a step from the group of illuminating a lamp, illuminating a light emitting diode, and providing a text display.

16. (original) The computer readable medium as set forth in Claim 11 further comprising software for performing the steps of:

retrieve an information data set associated with said products which match said preferences; and

transmit said information data set to a preferred electronic destination associated with said consumer such that said consumer may collect said information data set for review and reference.

17. (original)   The computer readable medium as set forth in Claim 16 wherein said software for transmitting said information data set comprises software for transmitting an electronic mail message to an electronic mail address.

18. (original) The computer readable medium as set forth in Claim 16 wherein said software for transmitting said information data set comprises software for transmitting an electronic file to an electronic mail address.

19. (original) The computer readable medium as set forth in Claim 11 wherein said software for transmitting said information data set comprises software for transmitting an electronic mail message to a persistent computing device selected from the group of an Internet-enabled wireless telephone, a wireless networked personal digital assistant, and a wireless Internet browser appliance.

20. (original) The computer readable medium as set forth in Claim 11 further comprising software for performing the steps of:

accessing an inventory datastore; and

determining if a product which matches said preferences is also in stock.

21. (previously presented) A system for indicating that a product or item on display matches a set of consumer preferences comprising:

a consumer identifier unit <u>equipped to a retail fixture and configured</u> ~~adapted~~ to establish an identity of a consumer <u>within an identification proximity</u> responsive to said consumer moving <u>from outside said proximity to inside said</u> ~~into the~~ proximity ~~of a retail display fixture, said consumer identification unit being mounted on or near said retail display fixture~~;

<u>at least one display unit indicator equipped to said retail fixture and associated with a product on said retail fixture</u>;

a consumer preference retriever <u>configured to access</u> ~~for accessing~~ a persistent datastore to retrieve a set of preferences associated with said consumer identity; <u>and</u>

a preference comparitor <u>configured to receive</u> ~~which receives~~ said set of preferences<u>, to compare said preferences</u> ~~and compares those~~ to characteristics of products on said retail ~~display~~ fixture<u>,</u> to determine if one or more products match said preferences<u>, and responsive to determining a match exists to activate said display unit indicator associated with said matching product such that the attention of said proximate consumer is directed towards a physical location of the matching product</u> . [[; and]]

~~at least one display unit indicator mounted on or near said retail display fixture which, responsive to a match being found, is activated such that the attention of said proximate consumer is directed towards the physical location of the matching product.~~

22. (currently amended) The system as set forth in Claim 21 wherein said consumer identifier unit is ~~adapted~~ <u>configured</u> to perform a function selected from the group of reading a radio frequency identifier tag, reading a bar code, reading a magnetic stripe, and receiving input of a personal identifier code.

23. (currently amended) The system as set forth in Claim 21 wherein said consumer preference retriever is ~~adapted~~ <u>configured</u> to access a database.

24. (currently amended) The system as set forth in Claim 21 wherein said preference comparitor is ~~adapted~~ configured to perform a function from the group of matching a consumer size, matching a preferred color, and matching a preferred price.

25. (currently amended) The system as set forth in Claim 21 wherein said indicator comprises an indicator selected from the group of a lamp, a light emitting diode, and a text display.

26. (currently amended) The system as set forth in Claim 21 further comprising:

a product information data set retriever ~~for retrieving~~ configured to retrieve information associated with said product which matches said preferences; and

an information data set transmitter ~~adapted~~ configured to transmit said information data set to a preferred electronic destination associated with said consumer such that said consumer may collect said information data set for review and reference.

27. (currently amended) The system as set forth in Claim 26 wherein said information data set transmitter is ~~adapted~~ configured to transmit an electronic mail message to an electronic mail address.

28. (currently amended) The system as set forth in Claim 26 wherein said information data set transmitter is ~~adapted~~ configured to transmit an electronic file to a electronic mail address.

29. (currently amended) The system as set forth in Claim 26 wherein said information data set transmitter is ~~adapted~~ configured to transmit an electronic mail message to a persistent computing device selected from the group of an Internet-enabled wireless telephone, a wireless networked personal digital assistant, and a wireless Internet browser appliance.

30. (currently amended) The system as set forth in Claim 21 further comprising an inventory datastore query processor ~~for accessing~~ configured to access an inventory control system and to determine if a product which matches said preferences is also in stock.